

REMARKS/ARGUMENTS

Claims 1-21 and 23-31 are pending in this application.

I. Allowable Subject Matter

The Examiner is thanked for the indication that claims 9-15, 23, 29 and 30 would be allowable if rewritten in independent form. It is noted that independent claims 32 and 33 (added in the Amendment filed August 13, 2007) include the allowable features of claims 15 and 29, respectively. As independent claims 32 and 33 are not rejected over art in this Office Action, it is assumed that independent claims 32 and 33 are in condition for allowance. However, for the reasons set forth below, claims 9-14, 23 and 30 have not been rewritten in independent form at this time.

II. Rejection Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-8, 16-21, 24-28 and 31 under 35 U.S.C. §103(a) over U.S. Patent No. 6,069,648 to Suso et al. (hereinafter "Suso") in view of U.S. Patent No. 6,999,802 to Kim. The rejection is respectfully traversed.

Independent claim 1 is directed to a mobile terminal including a body part and a folder part rotatably coupled by a hinge part. The folder part is configured to rotate about an axis of rotation disposed along the hinge part so as to rotate between a first and second position relative to the body part. The mobile terminal also includes a camera configured to move longitudinally along the axis of rotation so as to extend outward from the mobile terminal as the folder part moves from the second position to the first position, and to be retracted into the mobile

terminal as the folder part moves from the first position to the second position. Independent claim 18 recites similar features in varying scope.

Independent claim 24 is directed to a method of operating a mobile terminal, including rotatably coupling a folder part to a body part to move between an open and closed position, and retractably extending a camera outside the mobile terminal as the folder moves to the open position. Suso neither discloses nor suggests the features recited in independent claims 1, 18 and 24, or the respective claimed combinations.

More specifically, as set forth in detail in previous replies, the lens 9 installed within and exposed through a hole in the housing 8 of Suso's terminal ensures that no parts project outward from the housing 8 or the terminal, protecting the components of the lens 9 and reducing a thickness of the terminal. Neither the lens 9, or any of the components of the camera, move longitudinally along the axis of rotation defined by the connecting part 3 that connects the upper and lower cases 1, 2, as recited in independent claim 1. Rather, the lens 9 remains stationary relative to the housing 8 and connecting part 3. Further, the lens 9 and other components of the camera remain within the housing 8, even when the upper case 1 is moved to expose the lens 9. Thus, the lens 9 does not extend outward from the housing 8 nor is it retracted into the housing 8 as the upper case 1 moves relative to the lower case 2, as recited in independent claim 1, nor are the lens 9 or any of the components of the camera positioned outside of the housing 8 when the upper and lower cases 1 and 2 are at a first predetermined angle relative to one another, as recited in independent claims 18 and 24. Rather, the lens 9 and housing 8 are specifically

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designed such that no parts extend outward from the connection part 3 and/or the housing 8 so as to minimize the thickness of the terminal and prevent damage to the lens 9 and other related components (see column 3/lines 3-11 and column 4/lines 1-6 of Suso). Thus, Suso teaches away from any such components which would allow for extension of the lens 9.

Applicant respectfully disagrees with the assertion in the Office Action that the features relied upon in these arguments are not recited in the claims. For example, independent claim 1 clearly requires that the camera (or lens 9) move longitudinally along the axis of rotation (between the upper and lower cases 1, 2) so as to extend outward from the mobile terminal as the folder (upper case 1) moves from a second position to a first position, and to be retracted into the mobile terminal as the folder moves from the first position to the second position. Applicant respectfully submits that independent claim 1 clearly recites that the camera extends outward from the mobile terminal, without requiring that limitations from the specification be read into independent claim 1. In contrast, the lens 9 disclosed by Suso is exposed through a hole in the housing 8 as the upper and lower cases 1, 2 rotate, but must clearly remain within the housing 8, regardless of the relative position of the upper and lower cases 1, 2.

Further, independent claim 18 requires that the camera be positioned outside of the camera holder when first and second body parts are at a first predetermined angle, and positioned within the camera holder when the first and second body parts are at a second predetermined angle. Applicant respectfully submits that independent claim 18 clearly recites that the camera extends outward from the mobile terminal, without requiring that limitations

from the specification be read into independent claim 18. In contrast, as set forth above, the lens 9 disclosed by Suso must remain within the housing 8, regardless of the relative position of the upper and lower cases 1, 2.

Likewise, independent claim 24 requires that the camera be retractably extended outside the mobile terminal as the folder moves to the open position. Applicant respectfully submits that independent claim 24 clearly recites that the camera extends outward from the mobile terminal, without requiring that limitations from the specification be read into independent claim 24. In contrast, as set forth above, the lens 9 disclosed by Suso must remain within the housing 8, regardless of the relative position of the upper case 1.

The Examiner combines Kim with Suso in the Office Action, asserting that Kim teaches a camera that moves in a longitudinal direction along an axis of a mobile terminal to extend outwardly. Applicant respectfully disagrees. However, even if Kim were to teach such a camera, Applicant respectfully submits that there would have been no motivation to modify the mobile terminal disclosed by Suso to include any such camera that extends outward from the terminal, whether or not such a camera is actually taught by Kim. As previously set forth, Suso's terminal is specifically designed so that none of the disclosed components protrude outward from either of the cases 1, 2 or the connecting part 3 (see column 3/lines 3-11 and column 4/lines 1-6 of Suso). Incorporating the structure into the connecting part 3 that would be required to allow the lens 9 to protrude outward from either the housing 8 or the connecting part 3 would add to the thickness of these parts, thus adding to the overall thickness of Suso's terminal, and would add

unnecessary complexity and cost to Suso's terminal. Thus, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify Suso's terminal in the manner suggested in the Office Action.

However, even if one were to proceed with such an improper modification of Suso's terminal, Kim still fails to overcome the deficiencies of Suso. Kim discloses a mobile terminal having phone, digital camera and PDA capabilities. Kim's mobile terminal includes a bi-axial hinge 30 that allows a second housing 20 to rotate about two different perpendicular axes A1 and A2 to switch between a phone operation mode and a PDA operation mode. When transitioning from the phone mode (Figure 1 of Kim) to the PDA mode (Figure 6 of Kim), the second housing 20 is first rotated about the first axis A1 to separate the second housing 20 from the first housing 10, and then rotated about the second axis A2 to expose the PDA side of the upper housing 20. The upper housing 20 is then rotated about the first axis A1 to close the second housing 20 against the first housing 10.

The Office Action asserts that Kim teaches that a camera 103 positioned in a lens housing 102a of an upper portion 102 of the terminal moves longitudinally along one of the axes of rotation A1, A2 of terminal so as to extend outward from the terminal. However, in all scenarios in which the second housing 20 rotates relative to the first housing 10, the camera remains stationary in its position within the upper portion 102. The camera 103 is spaced well apart from and does not lie on either of the axes of rotation A1, A2, and is neither extended out

from nor retracted into the upper portion 102 of the first housing 10, or any portion of the terminal, in any of the movement scenarios disclosed by Kim.

The Office Action, at the end of page 2 and beginning of page 3, refers to column 4/lines 46-50 and column 6/lines 7-11 of Kim as evidence that the camera 103 protrudes in a longitudinal direction so that it is exposed in a longitudinal direction. However, these portions of Kim's disclosure merely refer to the particular shape of the lens housing 102 in which the stationary camera 103 is mounted. Kim neither discloses nor suggests that the camera 103 moves longitudinally along either of the axes of rotation A1, A2 so as to extend outward from the mobile terminal as the folder (second housing 20) moves from a second position to a first position, and to be retracted into the mobile terminal as the folder moves from the first position to the second position, as recited in independent claim 1. Rather, as set forth above, the camera 103 remains in a stationary position embedded within the lens housing 102a through all of the disclosed movements of the second housing 20 relative to the first housing 10.

Additionally, Kim neither discloses nor suggests that the camera 103 is positioned outside of the camera holder (lens housing 102a) when first and second body parts (first and second housings 10, 20) are at a first predetermined angle, and positioned within the camera holder when the first and second body parts are at a second predetermined angle, as recited in independent claim 18. Likewise, Kim neither discloses nor suggests that the camera 103 is retractably extended outside the mobile terminal (the upper portion 102 of the terminal) as the folder (second housing 20) moves to the open position, as recited in independent claim 24.

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For all of these reasons, it is respectfully submitted that independent claims 1, 18 and 24 are allowable over the applied combination, and thus the rejection of independent claims 1, 18 and 24 under 35 U.S.C. §103(a) over Suso and Kim should be withdrawn. Dependent claims 2-8, 16, 17, 19-21, 25-28 and 31 are allowable at least for the reasons set forth above with respect to independent claims 1, 18 and 24 from which they respectively depend, as well as for their added features.

III. Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned **Joanna K. Mason**, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

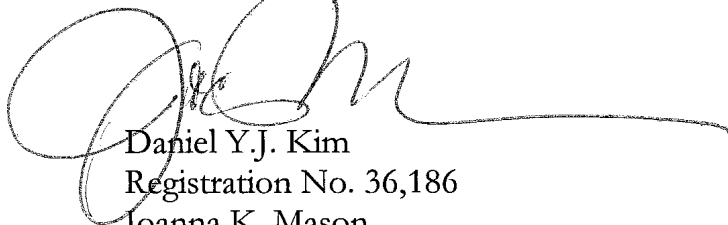
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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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